

AMENDED IN ASSEMBLY AUGUST 11, 2014

AMENDED IN ASSEMBLY JUNE 25, 2014

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 577

**Introduced by Senator Pavley
(Coauthor: Senator DeSaulnier)**

(Coauthors: Assembly Members Buchanan, Garcia, Grove, and
Waldron)

February 22, 2013

An act to amend Sections 4850, 4851, 4854, and 4860 of, and to add and repeal Section 4850.3 of, the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Pavley. Autism and other developmental disabilities: employment.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism. Existing law governs the habilitation services provided for adult consumers of regional centers, including work activity programs, as described, and establishes an

hourly rate for supported employment services provided to consumers receiving individualized services.

This bill would require the department, contingent upon receiving federal financial participation, to conduct a 4-year demonstration project to determine whether community-based vocational development services will increase employment outcomes for consumers and reduce purchase of service costs for working age adults, as specified. The bill would require the department to publish a notice on the department's Internet Web site when the demonstration project has been implemented, and to make determinations and notify the Legislature concerning the project's effectiveness, as specified, at the project's conclusion. The bill would repeal these provisions as of January 1, 2025.

This bill would require the development and semiannual review of a plan, as specified, if community-based vocational development services, as defined, are determined to be a necessary step to achieve a supported employment outcome. The bill would establish an hourly rate for community-based vocational development services, *for purposes of the demonstration project*, of \$40 per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan. The bill would provide that a consumer's hours of participation in community-based vocational development services may be provided in lieu of hours of participation in other community-based day program services, for up to 2 years, except as specified.

The bill would also set forth related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Individuals with developmental disabilities have to struggle
- 4 to find gainful employment. Unemployment amongst the
- 5 developmentally disabled population is approximately 80 percent.
- 6 (b) Within the developmentally disabled community, autism is
- 7 the fastest growing population, making up approximately 50
- 8 percent of the annual new caseload of regional centers in some
- 9 parts of the state.

1 (c) One in three adults with autism do not have paid work
2 experience or a college or technical education seven years after
3 leaving the K–12 school system.

4 (d) In order to increase the self-sufficiency of young adults with
5 autism and other developmental disabilities, including increased
6 earning capacity and reduced government benefit support, it is
7 important that the state implement a program to provide
8 individualized skills assessment, social cue training, and specific
9 support to ensure their academic and employment success.

10 (e) The Governor and the Legislature must address the growing
11 need for new models of assessment, career training, and expanding
12 employment opportunities and support options for young adults
13 with autism and other developmental disabilities between 18 and
14 30 years of age. If this population is left without purposefully
15 designed pathways into employment, these young adults will
16 remain at high risk of public dependency throughout the course
17 of their lives.

18 (f) The passage of the State of California’s Employment First
19 Policy requires the state to increase the opportunities for individuals
20 with developmental disabilities to achieve integrated competitive
21 employment.

22 SEC. 2. Section 4850 of the Welfare and Institutions Code is
23 amended to read:

24 4850. (a) The Legislature reaffirms its intent that habilitation
25 services for adults with developmental disabilities should be
26 planned and provided as a part of a continuum and that habilitation
27 services should be available to enable persons with developmental
28 disabilities to approximate the pattern of everyday living available
29 to nondisabled people of the same age.

30 (b) The Legislature further intends that habilitation services
31 shall be provided to adults with developmental disabilities as
32 specified in this chapter in order to guarantee the rights stated in
33 Section 4502.

34 (c) The Legislature further intends that in order to increase
35 effectiveness and opportunity to gain meaningful integrated
36 employment opportunities, habilitation services shall also provide
37 community-based vocational development services to enhance
38 community employment readiness, develop social skills necessary
39 for successful community employment, and build a network of

1 community and employment opportunities for individuals with
2 developmental disabilities.

3 SEC. 3. Section 4850.3 is added to the Welfare and Institutions
4 Code, to read:

5 4850.3. (a) The department shall conduct a four-year
6 demonstration~~project~~ *project, pursuant to paragraph (1) of*
7 *subdivision (a) of Section 4869*, to determine whether
8 community-based vocational development services increase
9 integrated competitive employment outcomes and reduce purchase
10 of service costs for working age adults.

11 (b) The department shall select up to five volunteer regional
12 centers that reflect the geographic diversity of California to
13 participate in the demonstration project.

14 (c) The department shall publish a notice on the departments
15 Internet Web site when the demonstration project has been
16 implemented.

17 (d) (1) After conclusion of the demonstration project, the
18 department shall review the effectiveness of the demonstration
19 project and make determinations whether community-based
20 vocational development services (A) increase employment
21 outcomes, (B) reduce purchase of service costs, and (C) may be
22 implemented on a statewide basis.

23 (2) The department shall notify the appropriate fiscal and policy
24 committees of both houses of the Legislature of the determinations
25 made pursuant to this subdivision.

26 (e) This section shall be implemented only to the extent that
27 federal financial participation is available and any necessary federal
28 approvals have been obtained.

29 (f) This section shall remain in effect only until January 1, 2025,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2025, deletes or extends that date.

32 SEC. 4. Section 4851 of the Welfare and Institutions Code is
33 amended to read:

34 4851. The definitions contained in this chapter shall govern
35 the construction of this chapter, with respect to habilitation services
36 provided through the regional center, and unless the context
37 requires otherwise, the following terms shall have the following
38 meanings:

39 (a) "Habilitation services" means community-based services
40 purchased or provided for adults with developmental disabilities,

1 including services provided under the ~~Work Activity Program~~
2 *work activity program* and the ~~Supported Employment Program,~~
3 *supported employment program*, to prepare and maintain them at
4 their highest level of vocational functioning, or to prepare them
5 for referral to vocational rehabilitation services.

6 (b) “Individual program plan” means the overall plan developed
7 by a regional center pursuant to Section 4646.

8 (c) “Individual habilitation service plan” means the service plan
9 developed by the habilitation service vendor to meet employment
10 goals in the individual program plan.

11 (d) “Department” means the State Department of Developmental
12 Services.

13 (e) “Work activity program” includes, but is not limited to,
14 sheltered workshops or work activity centers, or community-based
15 work activity programs certified pursuant to subdivision (f) or
16 accredited by CARF, the Rehabilitation Accreditation Commission.

17 (f) “Certification” means certification procedures developed by
18 the Department of Rehabilitation.

19 (g) “Work activity program day” means the period of time
20 during which a ~~Work Activity Program~~ *work activity program*
21 provides services to consumers.

22 (h) “Full day of service” means, for purposes of billing, a day
23 in which the consumer attends a minimum of the declared and
24 approved work activity program day, less 30 minutes, excluding
25 the lunch period.

26 (i) “Half day of service” means, for purposes of billing, any day
27 in which the consumer’s attendance does not meet the criteria for
28 billing for a full day of service as defined in subdivision (g), and
29 the consumer attends the work activity program not less than two
30 hours, excluding the lunch period.

31 (j) “Supported employment program” means a program that
32 meets the requirements of subdivisions (n) to (s), inclusive.

33 (k) “Consumer” means any adult who receives services
34 purchased under this chapter.

35 (l) “Accreditation” means a determination of compliance with
36 the set of standards appropriate to the delivery of services by a
37 work activity program or supported employment program,
38 developed by CARF, the Rehabilitation Accreditation Commission,
39 and applied by the commission or the department.

1 (m) “CARF” means CARF the Rehabilitation Accreditation
2 Commission.

3 (n) “Supported employment” means paid work that is integrated
4 in the community for individuals with developmental disabilities.

5 (o) “Integrated work” means the engagement of an employee
6 with a disability in work in a setting typically found in the
7 community in which individuals interact with individuals without
8 disabilities other than those who are providing services to those
9 individuals, to the same extent that individuals without disabilities
10 in comparable positions interact with other persons.

11 (p) “Supported employment placement” means the employment
12 of an individual with a developmental disability by an employer
13 in the community, directly or through contract with a supported
14 employment program. This includes provision of ongoing support
15 services necessary for the individual to retain employment.

16 (q) “Allowable supported employment services” means the
17 services approved in the individual program plan and specified in
18 the individual habilitation service plan for the purpose of achieving
19 supported employment as an outcome, and may include any of the
20 following:

21 (1) Job development, to the extent authorized by the regional
22 center.

23 (2) Program staff time for conducting job analysis of supported
24 employment opportunities for a specific consumer.

25 (3) Program staff time for the direct supervision or training of
26 a consumer or consumers while they engage in integrated work
27 unless other arrangements for consumer supervision, including,
28 but not limited to, employer supervision reimbursed by the
29 supported employment program, are approved by the regional
30 center.

31 (4) Community-based training in adaptive functional and social
32 skills necessary to ensure job adjustment and retention.

33 (5) Counseling with a consumer’s significant other to ensure
34 support of a consumer in job adjustment.

35 (6) Advocacy or intervention on behalf of a consumer to resolve
36 problems affecting the consumer’s work adjustment or retention.

37 (7) Ongoing support services needed to ensure the consumer’s
38 retention of the job.

39 (r) “Group services” means job coaching in a group supported
40 employment placement at a job coach-to-consumer ratio of not

1 less than one-to-three nor more than one-to-eight where services
2 to a minimum of three consumers are funded by the regional center
3 or the Department of Rehabilitation. For consumers receiving
4 group services, ongoing support services shall be limited to job
5 coaching and shall be provided at the worksite.

6 (s) "Individualized services" means job coaching and other
7 supported employment services for regional center-funded
8 consumers in a supported employment placement at a job
9 coach-to-consumer ratio of one-to-one, and that decrease over time
10 until stabilization is achieved. Individualized services may be
11 provided on or off the jobsite.

12 (t) "Community-based vocational development services" means
13 (1) services provided to enhance community employment readiness,
14 which may include the use of discovery and job exploration
15 opportunities, (2) social skill development services necessary to
16 obtain and maintain community employment, (3) services to use
17 internship, apprenticeship, and volunteer opportunities to provide
18 community-based vocational development skills development
19 opportunities, (4) services to access and participate in
20 postsecondary education or career technical education, and (5)
21 building a network of community and employment opportunities.

22 SEC. 5. Section 4854 of the Welfare and Institutions Code is
23 amended to read:

24 4854. (a) In developing the individual habilitation service plan
25 pursuant to Section 4853, the habilitation service provider shall
26 develop specific and measurable objectives to determine whether
27 the consumer demonstrates ability to reach or maintain individual
28 employment goals in all of the following areas:

- 29 (1) Participation in paid work for a specified period of time.
- 30 (2) Obtaining or sustaining a specified productivity rate.
- 31 (3) Obtaining or sustaining a specified attendance level.
- 32 (4) Demonstration of appropriate behavior for a work setting.

33 (b) If community-based vocational development services are
34 determined to be a necessary step to achieve a supported
35 employment outcome, a plan shall be developed and may include,
36 but is not limited to, all of the following:

- 37 (1) An inventory of potential employment interests.
- 38 (2) Preferences for types of work environments or situations.
- 39 (3) Identification of any training or education needed for the

40 consumer's desired job.

1 (4) Opportunities to explore jobs or self-employment as a means
2 to meet the consumer's desired employment outcome.

3 (5) Identification of any personal or family networks the
4 consumer may use to achieve his or her desired employment
5 outcomes.

6 (c) The habilitation service provider and the regional center
7 shall review the plan developed pursuant to subdivision (b)
8 semiannually to document progress towards objectives, additional
9 barriers, and other changes that impact the consumer's desired
10 employment outcome.

11 (d) Hours of participation in community-based vocational
12 development services may be provided in lieu of hours of
13 participation in other community-based day program services, as
14 determined by the consumer's individual program planning team,
15 for up to two years. Community-based vocational development
16 services may be authorized for an additional two years, if the
17 consumer's individual program planning team determines and
18 documents at each semiannual review that the consumer is making
19 significant progress toward the habilitation services objectives. A
20 consumer's participation in community-based vocational
21 development services shall not exceed a total of four years.

22 SEC. 6. Section 4860 of the Welfare and Institutions Code is
23 amended to read:

24 4860. (a) (1) The hourly rate for supported employment
25 services provided to consumers receiving individualized services
26 shall be thirty dollars and eighty-two cents (\$30.82).

27 (2) Job coach hours spent in travel to consumer worksites may
28 be reimbursable for individualized services only when the job
29 coach travels from the vendor's headquarters to the consumer's
30 worksite or from one consumer's worksite to another, and only
31 when the travel is one way.

32 (b) The hourly rate for group services shall be thirty dollars and
33 eighty-two cents (\$30.82), regardless of the number of consumers
34 served in the group. Consumers in a group shall be scheduled to
35 start and end work at the same time, unless an exception that takes
36 into consideration the consumer's compensated work schedule is
37 approved in advance by the regional center. The department, in
38 consultation with stakeholders, shall adopt regulations to define
39 the appropriate grounds for granting these exceptions. When the
40 number of consumers in a supported employment placement group

1 drops to fewer than the minimum required in subdivision (r) of
2 Section 4851, the regional center may terminate funding for the
3 group services in that group, unless, within 90 days, the program
4 provider adds one or more regional centers, or Department of
5 Rehabilitation-funded supported employment consumers to the
6 group.

7 (c) Job coaching hours for group services shall be allocated on
8 a prorated basis between a regional center and the Department of
9 Rehabilitation when regional center and Department of
10 Rehabilitation consumers are served in the same group.

11 (d) When Section 4855 applies, fees shall be authorized for the
12 following:

13 (1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the
14 program provider upon intake of a consumer into a supported
15 employment program. No fee shall be paid if that consumer
16 completed a supported employment intake process with that same
17 supported employment program within the previous 12 months.

18 (2) A seven-hundred-twenty-dollar (\$720) fee shall be paid
19 upon placement of a consumer in an integrated job, except that no
20 fee shall be paid if that consumer is placed with another consumer
21 or consumers assigned to the same job coach during the same hours
22 of employment.

23 (3) A seven-hundred-twenty-dollar (\$720) fee shall be paid after
24 a 90-day retention of a consumer in a job, except that no fee shall
25 be paid if that consumer has been placed with another consumer
26 or consumers, assigned to the same job coach during the same
27 hours of employment.

28 (e) The hourly rate for community-based vocational
29 development ~~services~~ *services, for purposes of Section 4850.3,*
30 shall be forty dollars (\$40) per hour for a maximum of 75 hours
31 per calendar quarter for all services identified and provided in the
32 community-based vocational development plan as developed
33 pursuant to subdivisions (b) and (c) of Section 4854. Prior to the
34 implementation of community-based vocational development
35 services, the department shall secure federal Medicaid funding for
36 this service.

- 1 (f) Notwithstanding paragraph (4) of subdivision (a) of Section
- 2 4648, the regional center shall pay the supported employment
- 3 program rates established by this section.

O